

On October 3, 2022, the Court entered a Roseboro Order instructing Plaintiff how to respond to Defendants' motion and setting the deadline to respond as October 17, 2022. [Doc. 47].

Plaintiff now moves the Court to dismiss Plaintiff's Complaint pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. [See Doc. 48]. Plaintiff asks the Court to remove his case from the docket without prejudice "due to the constant pressure, & continuous harassment and retaliation experiencing while at [Alexander]" due to this lawsuit and "several other tort claims" he has filed. [Id. at 1]. Plaintiff asserts that, since September 2021, he has had every piece of his property "dissolved from [his] possession" by guards at Alexander and that he has been verbally abused, called racist names, and assaulted and injured. [Id. at 2]. Plaintiff states that he is currently in segregation for false and frivolous charges of threatening and refusing direct orders and that he his refusing to leave segregation until his gets protective custody. [Id.]. Plaintiff claims that the harassment, retaliation, and physical harm continue no matter how many grievances he files or whom he complains to. [Id. at 2-3]. Plaintiff states he no longer wishes to pursue this action under these circumstances and will consider refiling it in the future "after [he is] not assigned to this Particular Facility." [Id. at 3-4].

The Court will grant Plaintiff's motion to dismiss without prejudice under these circumstances. Fed. R. Civ. P. 41(a)(2).

ORDER

IT IS THEREFORE ORDERED that Plaintiff's motion to voluntarily dismiss his Complaint [Doc. 48] is **GRANTED** without prejudice.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment [Doc. 45] is **DENIED** as moot.

The Clerk is respectfully instructed to terminate this action.

IT IS SO ORDERED.

Signed: October 27, 2022



Martin Reidinger
Chief United States District Judge

